

II. Land Use

Zoning, the form of regulatory implementation of planning, is the critical key to how an area develops and ultimately appears. Zones which have been placed on properties determine everything -- how individual lots are used, the pattern of land uses in an area, the volume of traffic that uses the roads, and how a place looks. Another important function of zoning is the effect zoning district permitted uses have on adjacent properties; in other words, how compatible zones are to one another. This chapter will focus on existing zoning and land uses and on recommendations for the future zoning for the Sunset Plan area.

Existing Conditions

The most influential feature impacting existing and future development within the study area is Sunset Avenue (US 64 Business) itself. It is a major arterial with five lanes and runs 1.2 miles in an east-west direction through the center of the study area. Other features affecting the corridor and influencing land use patterns include Interstate 95, US 64 Bypass, and Zebulon Road. Winstead Avenue, an arterial, located along the western boundary of the study area, also has an impact within the westernmost portion of the area, just as Buck Leonard Boulevard impacts the eastern end of the corridor. In



Goal

“Land use plans and regulations that provide flexibility and preserve residential neighborhoods, encourage commercial development, enhance community appearance, revitalize the downtown core, compliment the area’s character and environmental appeal and encourage the preservation and reuse of historic structures” (Chapter 4, p.3).
Together Tomorrow—Tier 1 Smart Growth Comprehensive Plan

beginning this project, the essential first step was to verify and map the existing zoning and land uses for the properties fronting the segment of Sunset Avenue studied (see Maps II-a and II-b). Since it was a rezoning request from O-I to B-2 on the north side of Sunset Avenue that prompted the need for this study, the question of what is the appropriate zoning for the future of this area was one of the key issues to be addressed. There has been much change in zoning and related land uses along Sunset Avenue for the 31 years since the previous plan was adopted. However, there have been basic principles and policies applied by planning staff and the decision makers throughout these years that have generally resulted in the patterns seen on the maps today.

The 1973 *Sunset-West Thomas Street Rezoning Plan* contained two alternatives for the future development of Sunset Avenue. Alternative A which would “promote and maintain the high quality of an orderly integration of commercial, office, and residential land uses while maximizing the efficient utilization of the area’s streets and public facilities” (p. 1). Alternative B presented “the most intensive land development possible along the principle arterials of the study area without due consideration of the impact that such development would have on the study area and the City as a whole” (p. 1). The Planning Department urged adoption of Alternative A as “the most feasible projection of land uses. . .” (p. 21). More specifically, Alternative A of this plan recommended that the properties fronting Sunset along the south side of the road, if rezoned, should be O-I in order “to encourage future utilization of those lots which will be compatible with the abutting medium density residential development” (p. 12). This plan goes on to state that “this O-I zone would serve as a good buffer zone development between Sunset Avenue and the existing single-family dwelling units” (p. 13). With one exception, 3217 Sunset Avenue, this recommendation has generally been upheld with each rezoning request throughout the intervening years. Little direction was given for how the north side of the road should develop, although it was recognized that there would be commercial activity at the major intersections. It is assumed that since there were few specific recommendations for that portion of Sunset that is part of this study, that there has been more commercial zoning along the northern side. In other words, the recommendations contained in Alternative B seemed to generally provide the guidance for development on the north side of Sunset between 1973 and the present.

Another very important consideration in how the northern and southern sides of Sunset Avenue have developed over the years is the contrast between the land uses that front Sunset versus those immediately behind these parcels. Along the south of the corridor is the Englewood community, which had its beginnings in 1925 and remains a stable, vital single-family residential neighborhood today. The O-I zone has been appropriately used to buffer these homes from the activities associated with a major arterial and the more intense land uses across the road. On the north side, the pattern of land use is very different with no single-family residences remaining one property back and a mix of offices and multi-family residential uses abutting the commercial and office uses fronting the road.



Englewood Neighborhood

It can be concluded that the 1973 plan has provided the basic guidance necessary for the development of the segment of Sunset between Forest Hill and Winstead Avenues. This Plan has provided Planning staff and the decision makers – the Planning Board and the City Council – with recommendations that have been used in creating the pattern of zoning and land use that we see today. With that in mind, one of the main questions addressed as part of this study was whether this policy is still appropriate today?

Before addressing the future zoning and related land uses for Sunset Avenue, it is necessary to complete the discussion of the existing situation for the properties that front the road. The map of existing zoning (see Map II-a) was developed using data included on both the City's Geographic Information System (GIS) and on the official zoning map sheets for the City. Zoning districts currently on properties in the Sunset Avenue Plan area include (see the Appendix for the definition of each):

- B-5 – Business Service District
- B-3 – Regional Commercial District
- B-2 -- Commercial Corridor District
- O-I – Office and Institutional District
- MF – Multifamily District
- R-6 – Residential District
- R-10 – Residential District
- R-15 – Residential District

Since the focus of the Plan is on the properties that front Sunset Avenue, it is important to understand the existing zoning pattern created

by these properties. Along the south side of Sunset, which abuts the Englewood community, the predominant zone is O-I. This zoning has traditionally been used throughout the City as a buffer or transition between single-family neighborhoods and more intense commercial activity. There is a sprinkling of the various single, two-family, and multifamily residential zones, R-15, R-10, and R-6, along the 1.2-mile segment. The remaining properties are zoned B-2, which is designed to accommodate retail or service establishments customarily patronized by transient traffic as well as non-transient traffic using the major arterial. Along the north, there is a balance between the number of properties zoned O-I and those zoned B-2. There is also B-3 as well as B-5 zoning in this segment. Towards Winstead Avenue, there is a limited amount of multifamily and R-10 residential zoning.

Within the study area, existing land uses were identified by both a windshield survey and by field work conducted during February 2004. Aerial photography of the area was also used in the analysis. The windshield survey was conducted by driving a vehicle along the road and identifying the type of development located on each of the 77 parcels on the study area. Field work provided a clearer understanding of how the land was being used, particularly when there were multiple uses on a single property. From this information a spreadsheet including critical data on each parcel was developed (see the Sunset Avenue Parcel Inventory in the Appendix) and a map of existing land uses was created (see Map II-b). Both of these maps were presented to those attending the community meetings for further verification and edification.

The land uses identified were classified according to the following ten land use categories (Examples of these uses along Sunset Avenue is included.):

- Residential – single and two-family
- Residential – multifamily
- Commercial and related services
- Offices and related services
- Public and semi-public facilities
- Parks and recreational facilities
- Undeveloped/vacant
- Water
- Hazard mitigation properties
- Transportation, communications and utilities

Examples of Land Use Categories



Commercial Retail Businesses



Commercial Offices



October 12, 2004

Examples of Land Use Categories



Public & Semi-Public Facilities



Parkland



Vacant Land

Examples of Land Use Categories



Multifamily Residential



Single-Family Residential



Based on these surveys, the study area is essentially built-out with only two parcels remaining undeveloped. Both of these are on the south side of Sunset Avenue. Over the years, there has been a loss of single-family residences fronting the road either through conversion to offices or businesses or through demolition to construct office or retail buildings. Currently, there are only five parcels that still contain single-family homes – three along the northern segment and two in the southern segment. All of these properties, except one, have been rezoned from their former residential zoning to either a commercial or office zone. There are three multifamily developments located north of Sunset Avenue. These include Heritage Hills, Villager, and Wellongate Apartments. There are three smaller apartment complexes located along the southern segment.

There are three churches which front Sunset as well as Englewood Elementary School. The large campuses of these public and semi-public uses provide for an expanse of green space that is not prevalent along the corridor. The only park in the area, Patterson Park, is situated perpendicular to Sunset Avenue and serves as an important swath of green in an otherwise totally developed landscape.

Essentially, this segment of Sunset Avenue has evolved into an important office and commercial corridor. There are also a number of restaurants found along the northern portion of the road. The main shopping center, Englewood Square which is zoned B-3, is somewhat centrally located in the study area. There is also a smaller shopping center, Wellongate, zoned B-2, on the corner of Sunset and Jones Road. There are now three major pharmacies found in the 1.2-mile segment – CVS, Walgreen, and Eckerd.

Beginning at the westernmost parcel on the north side of Sunset Avenue and traveling east, one finds commercial uses from Winstead Avenue to Jones Road (zoned B-2). Between Jones Road and Englewood Square are a variety of uses, all zoned O-I (with the exception of two parcels zoned R-10). In the block from North Circle Drive to the eastern end of the study area, the properties are zoned either B-2 or B-5 and are developed with restaurants, a car service center, residences, and a drug store.

Along the south, starting at Forest Hill Avenue and going west, one finds two B-2-zoned properties containing another drug store and a



October 12, 2004

residence, which is unoccupied. Essentially, for the entire length of the study area, the front properties are all zoned either O-I or residential to Tyson Avenue (the one exception has been mentioned previously). From Tyson to the western edge of the study area are two properties zoned O-I and developed with offices, while the remaining parcels are zoned B-2 and have a restaurant, an auto/tire service, and a convenience store.

There are significant differences in the zoning and land use patterns between the north and the south sides of Sunset. This in large part can be explained by the fact that the Englewood community, one of the older more established subdivisions in the City, is south of the road and for all intent and purpose, there are stable well-maintained single-family residences just one property back from the arterial.

Established Uses and Potential Sites

Once the existing zoning and land uses were verified and mapped, the next phase of the analysis involved determining which of these uses are likely to remain for the next 16 years, which is the "life of this Plan" and which uses have the potential for change during this same time period. The list of these uses was developed and confirmed with those attending the second and third community meetings. Although these sites have been mapped (see Map II-c) and appear in the Parcel Inventory (see Appendix), this Plan is not necessarily encouraging changes in zoning and use from the current ones. Established uses are those that because of their history along the corridor as well as other characteristics, such as newly developed or longstanding, highly utilized, unique services or products, viability, and stability are expected to remain in the future. On the other hand, the 22 potential sites are those properties that for a number of reasons, such as existing uses, location, underutilized land (land value exceeding value of the structure(s), and condition of structure(s) are expected to change in use in the next 16 years. Pictures of each of the potential sites along with their number that corresponds to the Parcel Inventory in the Appendix are provided. For instance, all five of the parcels with single-family homes that front Sunset and the two vacant parcels are included in the list of potential sites. Because the corridor is completely developed with the exception of the two remaining vacant properties, it is these sites that provide the greatest potential for change in use and/or for redevelopment. As a result, these sites are highlighted so that better direction

Potential Sites



#6 Residence



#7 Marie's House of Beauty



9 Residence



#10 Business Office



#16 Residences



#30 & #30A Residences



33 Las Lomas Restaurant



39 Artmasters Gallery



40— All State Insurance



#41 Whitley & Associates



#42 Vacant Lot



#49 Wachovia Bank

Potential Sites



50 Baskets by Jeannette



#55 Time Financing Service



#59 Sunset Square



#60 Powell Security



#61 Georgetown Apartments



#65 Bell Attorney



66 Apartments



#69 Residence



70 Vacant Lot



#76 Vacant Residence

Note: See Map II-c for location and Parcel Inventory Table in the Appendix for additional information on these sites.

for the future could be provided and recommendations could be developed where needed.

Guiding Principles

A description of the guiding or foundational principles of this Plan is found in the Introduction. These are the 10 basic concepts on which the future recommendations for zoning and land use, transportation, and community design of this Plan were developed. The five principles that apply to this chapter include:

- To encourage appropriate land development along major arterials and to promote compatible land use patterns
- To preserve our residential neighborhoods
- To use the Office and Institutional (O-I) zone as a transitional zone between single-family residential areas and commercial activity – used as a “buffer zone”
- To cluster commercial (shopping) areas at the intersections of major arterials – nodal development concept
- To maintain the stability of appropriately located existing land uses

These in combination with input received at the community meetings, background information obtained from planning documents and in interviews, City planning policies and practices, and good planning concepts resulted in the zoning and land use recommendations for the study area.

Recommendations

As in the 1997 *Sunset Avenue (West) Corridor Land Development Plan*, the concept of nodal development has been utilized in this Plan. The fact that it was used previously for the western segment of Sunset provided rationale for its use in this Plan. This, along with the fact that the development pattern that exists in the study area today generally reflect this concept, provides added value for its extension. As illustrated on page 8, the nodal concept is based upon the principle that commercial (shopping) areas are best located at the intersections of major arterials. The concept further includes the use of office areas and multifamily residential as appropriate transitional uses between commercial and single-family residential areas.



October 12, 2004

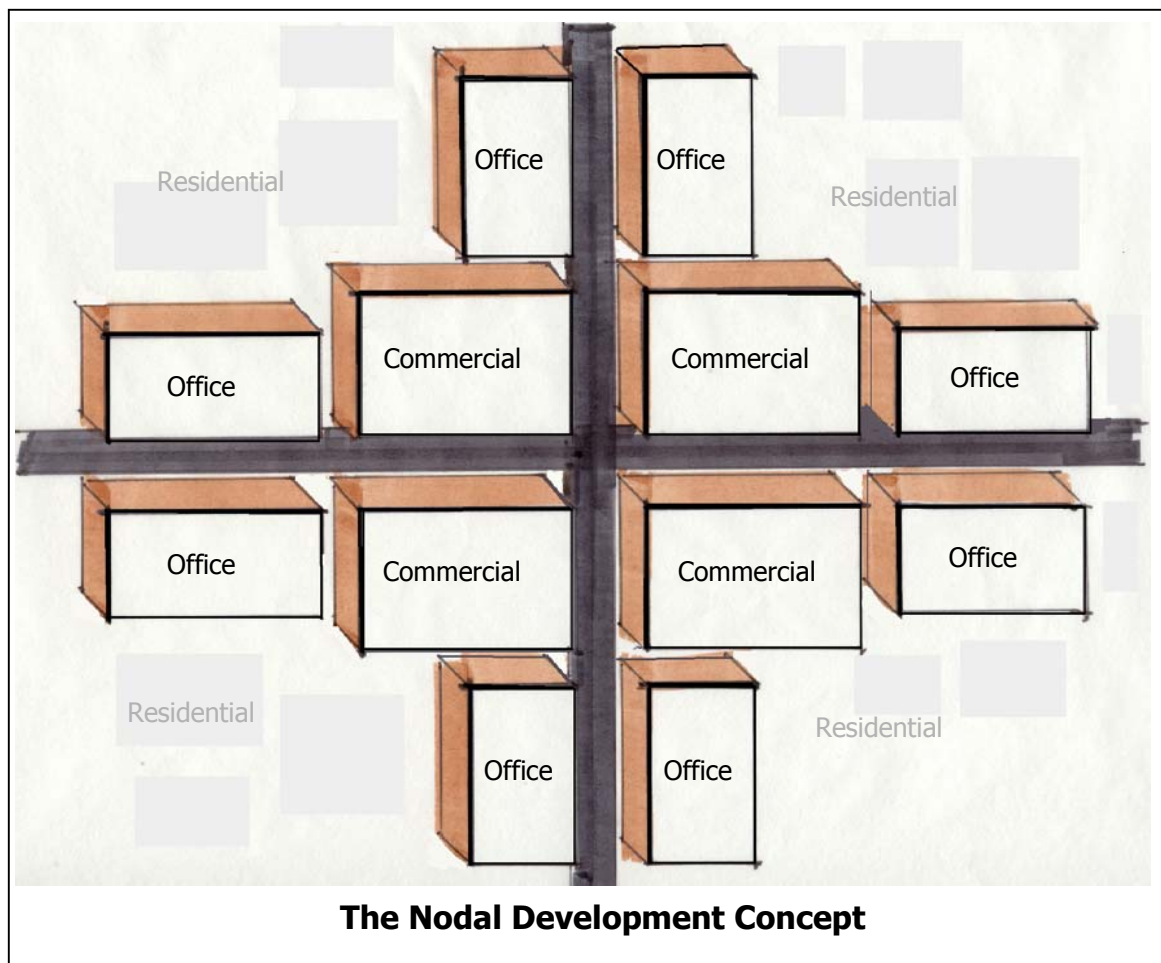
For this Plan, it is recommended for the node formed by the intersection of Sunset and Winstead Avenues:

- On the north side, commercial zoning and uses extend eastward to Jones Road
- On the south side, commercial zoning and uses extend eastward to Tyson Avenue

It is recommended for the node formed by the intersection of Sunset Avenue and Buck Leonard Boulevard and Forest Hill Avenue:

- On the north side, commercial zoning and uses extend westward to the Englewood Square Shopping Center
- On the south side, commercial zoning and uses extend westward to the second parcel

In each case, the commercial zoning and related uses should be contained within the east-west area described as well as not extending any further north and south than at present. This recommendation



would allow for the two parcels west of the intersection of Tyson and Sunset Avenues to be rezoned from O-I to B-2. The retention of the multifamily zoning and apartment use in the northwestern node of Sunset and Winstead Avenues is recommended to provide a choice in housing type in the area.

Generally, the remaining pattern of zoning and land use that exists is being reconfirmed in this Plan. In other words, the guidance that was provided in the 1973 *Sunset-West Thomas Street Rezoning Plan* is still valid today. This is particularly true for the segment along the south where the O-I zone is recommended to continue to be used along the front properties as a buffer to the Englewood community. As part of this, it is recommended that O-I zoning not be allowed to intrude into the neighborhood. It is critical to the preservation of the Englewood community that the O-I zoning be limited to the properties that front Sunset Avenue. The one exception is the property that has already been zoned to B-2 at 3217 Sunset Avenue. This property would be more appropriately zoned O-I to conform to the pattern of zoning along this segment of Sunset. It is anticipated, however, that the use will change as the property is currently for sale.

In the remaining segment in the north, the segment between Jones Road and the western end of the Englewood Square Shopping Center property, it is recommended that the existing pattern of zoning and land use be confirmed. Retention of the O-I zones here would create a desirable contiguous zoning pattern. This would basically limit this area to office and institutionally-related uses. This segment was given careful analysis and consideration as part of the plan-making process since there was desire by some property owners here to have commercial zoning for their land. It was determined that to do so could only exacerbate the existing traffic conditions by generating greater volumes than office uses. It was also determined that it would not be appropriate to create another node at the intersection of Sunset and North Englewood Drive since it is not classified as an arterial. In addition, because of the location of the school across Sunset Avenue and the fact that children walk from the apartments to school, it was not desirable to have the more intense uses that commercial zoning would allow at this location.

It is important to state that there is little potential for new development along Sunset Avenue within the study area due to the limited

amount of vacant land. This fact would suggest that in the coming years, the focus will be on redevelopment of existing developed properties, which would most likely be those sites designated as "potential". Since Sunset Avenue has evolved over time from a predominantly residential road to its current status as a major corridor and gateway in the City, many of the existing offices are found in single-family homes that were converted to their current use. This means that they are often situated on comparatively small former R-6 or R-10 lots, which could pose challenges to redevelopment. In the continuing evolution, it is anticipated that some of these lots will, in fact, redevelop in the next 16 years. If so, it is strongly encouraged that lots that are adjacent to each other be recombined to provide for a larger land area on which the new use could be developed. It is also strongly encouraged that the consolidation of driveways be pursued wherever possible to limit the number of ingress/egress points along Sunset Avenue. These two items will be discussed in more depth in the Transportation and Community Design chapters.

